

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 17-0863.01 Kate Meyer x4348

SENATE BILL 17-209

SENATE SPONSORSHIP

Priola,

HOUSE SPONSORSHIP

Weissman,

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING ACCESS TO THE BALLOT BY CANDIDATES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill makes various changes to the laws governing access to the ballot.

Section 1 prohibits a designated election official from certifying to the ballot the name of any candidate who the designated election official determines is unqualified to hold office.

For a political party candidate seeking to petition onto a ballot, **section 2** moves up the deadline by which the petition must be filed.

Currently, each petition to nominate a candidate must have

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

attached to it a notarized affidavit executed by the petition circulator. **Section 3** directs the secretary of state to establish by rule a process that allows a circulator 5 days to cure a rejected affidavit.

Section 4 reorganizes and amends the laws pertaining to withdrawals and vacancies in nominations and designations.

Sections 5 through 11 make conforming amendments necessitated by the statutory reorganization effected in section 4.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 1-4-501, **amend** (1)
3 as follows:

4 **1-4-501. Only eligible electors eligible for office.** (1) No person
5 except an eligible elector who is at least eighteen years of age, unless
6 another age is required by law, is eligible to hold any office in this state.
7 No person is eligible to be a designee or candidate for office unless that
8 person fully meets the qualifications of that office as stated in the
9 constitution and statutes of this state on or before the date the term of that
10 office begins. The designated election official shall not certify the name
11 of any designee or candidate who fails to swear or affirm under oath that
12 he or she will fully meet the qualifications of the office if elected; ~~and~~ OR
13 who is unable to provide proof that he or she meets any requirements of
14 the office relating to registration, residence, or property ownership; OR
15 WHO THE DESIGNATED ELECTION OFFICIAL DETERMINES IS NOT QUALIFIED
16 TO HOLD THE OFFICE THAT HE OR SHE SEEKS BASED ON RESIDENCY
17 REQUIREMENTS, FOLLOWING THE DESIGNATED ELECTION OFFICIAL'S
18 REVIEW OF THE DESIGNEE'S OR CANDIDATE'S RESIDENCY INFORMATION
19 CONTAINED IN THE STATEWIDE VOTER REGISTRATION SYSTEM. The
20 information found on the person's voter registration record is admissible
21 as prima facie evidence of compliance with this section.

22 **SECTION 2.** In Colorado Revised Statutes, 1-4-801, **amend** (5)

1 as follows:

2 **1-4-801. Designation of party candidates by petition.** (5) Party
3 petitions shall not be circulated nor any signatures be obtained prior to the
4 first Monday in ~~February~~ JANUARY. Petitions ~~shall~~ MUST be filed no later
5 than ~~eighty-five days before the primary election~~ THE LAST FRIDAY IN
6 FEBRUARY.

7 **SECTION 3.** In Colorado Revised Statutes, **amend** 1-4-912 as
8 follows:

9 **1-4-912. Cure - rules.** (1) ~~In case~~ IF a petition for nominating an
10 unaffiliated candidate is ~~not sufficient~~ DETERMINED TO BE INSUFFICIENT,
11 it may be amended once no later than 3 p.m. on the eighty-fifth day before
12 the general election or 3 p.m. on the sixty-seventh day before an election
13 that is not being held concurrently with the general election. If a petition
14 for nominating an unaffiliated candidate is amended, the designated
15 election official shall notify the candidate of whether the petition is
16 sufficient or insufficient no later than the seventy-fifth day before the
17 general election.

18 (2) DURING THE REVIEW OF ANY MAJOR OR MINOR PARTY
19 CANDIDATE'S PETITION THAT IS REQUIRED TO BE FILED WITH THE
20 SECRETARY OF STATE'S OFFICE, THE SECRETARY OF STATE SHALL NOTIFY
21 THE CANDIDATE OF ANY ERRORS AND INSUFFICIENCIES REGARDING
22 CIRCULATOR AFFIDAVITS. UPON THE RECEIPT OF SUCH A NOTIFICATION,
23 THE CANDIDATE HAS FIVE CALENDAR DAYS FROM THE DATE OF RECEIPT OF
24 THE NOTICE TO CURE THE ERRORS AND INSUFFICIENCIES CONTAINED IN THE
25 NOTICE. TO CURE A CIRCULATOR AFFIDAVIT, THE CANDIDATE MUST
26 PROVIDE THE SECRETARY OF STATE WITH A NEW CIRCULATOR AFFIDAVIT
27 THAT CORRECTS THE ERRORS OF THE PREVIOUSLY SUBMITTED AFFIDAVIT.

1 (3) THE SECRETARY OF STATE SHALL PROMULGATE RULES, IN
2 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, TO IMPLEMENT THIS SECTION.

3 **SECTION 4.** In Colorado Revised Statutes, **amend with**
4 **relocated provisions**, part 10 of article 4 of title 1 as follows:

5 PART 10

6 WITHDRAWALS AND DISQUALIFICATIONS FROM, AND
7 VACANCIES IN, NOMINATIONS AND DESIGNATIONS

8 **1-4-1001. Withdrawal or disqualification from candidacy.**

9 (1) (a) Any person who has accepted a designation or nomination may
10 withdraw from candidacy at any time by filing a letter of withdrawal. The
11 WITHDRAWING CANDIDATE SHALL SIGN AND ACKNOWLEDGE THE letter
12 ~~shall be signed and acknowledged by the candidate~~ before some AN
13 officer authorized to take acknowledgments and shall ~~be filed~~ FILE THE
14 LETTER with the designated election official with whom the original
15 certificate or petition of candidacy was filed.

16 (b) ANY CANDIDATE WITHDRAWING FROM A DESIGNATION OR
17 NOMINATION SHALL FORTHWITH REPORT THE WITHDRAWAL TO THE
18 PERSONS DESIGNATED IN THIS PART 10 TO FILL THE VACANCY.

19 (c) Except in the case of a vacancy to be filled in accordance with
20 the provisions of ~~section 1-4-1002 (2.5), in the event that~~ SECTION
21 1-4-1004 OR 1-4-1006 THAT APPLY WHEN A VACANCY OCCURS FROM THE
22 EARLIEST DAY TO MAIL BALLOTS PURSUANT TO SECTION 1-7.5-107 AND
23 THE DAY OF A PRIMARY OR GENERAL ELECTION, RESPECTIVELY, IF the
24 withdrawal of candidacy is not made in time for the candidate's name to
25 be taken off the ballot, any votes cast for the candidate ~~shall be deemed~~
26 ARE invalid and ~~will~~ SHALL not be counted.

27 (2) (a) ~~Any candidate withdrawing from a designation or~~

1 ~~nomination, as provided in subsection (1)(a) of this section, shall~~
2 ~~forthwith report the withdrawal to the persons designated in section~~
3 ~~1-4-1002 to fill the vacancy~~ IF THE DESIGNATED ELECTION OFFICIAL
4 DISQUALIFIES A CANDIDATE BEFORE THE BALLOTS ARE PRINTED, THAT
5 CANDIDATE'S NAME SHALL NOT APPEAR ON THE BALLOTS.

6 (b) IF THE DESIGNATED ELECTION OFFICIAL DISQUALIFIES A
7 CANDIDATE AFTER BALLOTS ARE PRINTED, THE DESIGNATED ELECTION
8 OFFICIAL SHALL NOT COUNT ANY VOTES CAST FOR THAT DISQUALIFIED
9 CANDIDATE.

10 **1-4-1002. Vacancies in major party designation up to the**
11 **sixty-eighth day before primary election day.** (1) FOR THE PURPOSES
12 OF THIS SECTION, A VACANCY IS CAUSED BY:

13 (a) THE DECLINATION, DEATH, DISQUALIFICATION, OR
14 WITHDRAWAL OF THE PERSON DESIGNATED BY A PARTY ASSEMBLY AS A
15 CANDIDATE FOR NOMINATION; OR

16 (b) THE FAILURE OF A PARTY ASSEMBLY TO MAKE DESIGNATION OF
17 ANY CANDIDATE FOR NOMINATION.

18 ~~(1)~~ (2) Any vacancy in a party designation occurring after the
19 party assembly at which the designation was made and no later than
20 sixty-eight days before the primary election may be filled by the party
21 assembly vacancy committee of the district, county, or state, depending
22 upon the office for which the vacancy in designation has occurred. A
23 ~~vacancy may be caused by the declination, death, disqualification, or~~
24 ~~withdrawal of any person designated by the assembly as a candidate for~~
25 ~~nomination, or by failure of the assembly to make designation of any~~
26 ~~candidate for nomination, or by death or resignation of any elective~~
27 ~~officer after an assembly at which a candidate could have been designated~~

1 ~~for nomination for the office at a primary election had the vacancy then~~
2 ~~existed~~ THE PARTY ASSEMBLY VACANCY COMMITTEE MUST BE APPOINTED
3 BY THE PARTY IN ACCORDANCE WITH PARTY RULES.

4 (3) (a) NO VACANCY COMMITTEE CALLED TO FILL A VACANCY
5 PURSUANT TO THIS SECTION MAY SELECT A PERSON TO FILL THE VACANCY
6 AT A MEETING HELD FOR THAT PURPOSE UNLESS A WRITTEN NOTICE
7 ANNOUNCING THE TIME AND LOCATION OF THE VACANCY COMMITTEE
8 MEETING WAS MAILED TO EACH OF THE COMMITTEE MEMBERS WITHIN FIVE
9 CALENDAR DAYS OF THE CHAIRPERSON OF THE CENTRAL COMMITTEE
10 RECEIVING NOTICE OF THE VACANCY. MAILING OF THE NOTICE IS
11 EFFECTIVE WHEN THE NOTICE IS PROPERLY ADDRESSED AND DEPOSITED IN
12 THE UNITED STATES MAIL, WITH FIRST-CLASS POSTAGE PREPAID. IN
13 ADDITION TO THIS MAILING, THE CHAIRPERSON OF THE CENTRAL
14 COMMITTEE MAY ALSO CONTACT THE COMMITTEE MEMBERS BY
15 ELECTRONIC MAIL.

16 (b) (I) NO VACANCY COMMITTEE MEETING SHALL BE HELD UNTIL
17 A QUORUM IS PRESENT CONSISTING OF NOT LESS THAN ONE-HALF OF THE
18 VOTING MEMBERSHIP OF THE VACANCY COMMITTEE.

19 (II) THE VACANCY COMMITTEE, BY A MAJORITY VOTE OF ITS
20 MEMBERS PRESENT AND VOTING AT A MEETING CALLED FOR THAT
21 PURPOSE, SHALL SELECT A PERSON WHO MEETS ALL OF THE REQUIREMENTS
22 OF CANDIDACY AS OF THE DATE OF THE APPOINTMENT AND WHO IS
23 AFFILIATED WITH THE SAME POLITICAL PARTY:

24 (A) AS SHOWN IN THE STATEWIDE VOTER REGISTRATION SYSTEM
25 AS THE CANDIDATE WHOSE DECLINATION, DEATH, DISQUALIFICATION, OR
26 WITHDRAWAL CAUSED THE VACANCY; OR

27 (B) AS THE PARTY ASSEMBLY THAT FAILED TO DESIGNATE A

1 CANDIDATE, AS APPLICABLE.

2 (III) NO MEMBER OF THE VACANCY COMMITTEE MAY VOTE BY
3 PROXY.

4 (IV) IF THE VACANCY COMMITTEE FAILS TO TIMELY CERTIFY A
5 SELECTION, THE STATE CHAIR OF THE PARTY OF THE CANDIDATE WHOSE
6 DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL CAUSED THE
7 VACANCY, WITHIN SEVEN DAYS, SHALL FILL THE VACANCY BY APPOINTING
8 A PERSON WHO MEETS ALL OF THE REQUIREMENTS OF CANDIDACY AS OF
9 THE DATE OF THE APPOINTMENT AND WHO IS AFFILIATED WITH THE SAME
10 POLITICAL PARTY SHOWN IN THE STATEWIDE VOTER REGISTRATION
11 SYSTEM AS THE CANDIDATE WHOSE DECLINATION, DEATH,
12 DISQUALIFICATION, OR WITHDRAWAL CAUSED THE VACANCY. THE NAME
13 OF THE PERSON APPOINTED BY THE STATE CHAIR MUST BE CERTIFIED TO
14 THE SECRETARY OF STATE.

15 (c) (I) THE DESIGNATION AND ACCEPTANCE OF THE PERSON
16 SELECTED TO FILL THE VACANCY MUST BE SUBMITTED TO THE DESIGNATED
17 ELECTION OFFICIAL NO LATER THAN THREE DAYS FROM EITHER THE DATE
18 OF THE VACANCY COMMITTEE MEETING OR FROM THE DATE OF
19 APPOINTMENT BY THE STATE CHAIR PURSUANT TO SUBSECTION (3)(b)(IV)
20 OF THIS SECTION, AS APPLICABLE; EXCEPT THAT SUCH CERTIFICATION
21 MUST IN ALL CASES BE SUBMITTED NO LATER THAN THE SIXTY-FOURTH
22 DAY BEFORE THE DATE OF THE PRIMARY ELECTION.

23 (II) FOR PURPOSES OF THIS SECTION, A VACANCY IS FILLED WHEN
24 THE DESIGNATED ELECTION OFFICIAL RECEIVES THE CERTIFICATE OF
25 NOMINATION AND THE WRITTEN ACCEPTANCE OF THE REPLACEMENT
26 CANDIDATE.

27 ~~(d) No person is eligible for appointment to fill a vacancy in a~~

1 party designation unless that person meets all requirements of candidacy
2 as of the date of the assembly that made the original designation.

3 ~~(2) A vacancy in a party designation occurring during the~~
4 ~~sixty-seven days before the primary election or on the day of the primary~~
5 ~~election may be filled by the respective party assembly vacancy~~
6 ~~committee of the district, county, or state, depending upon the office for~~
7 ~~which the vacancy in designation or nomination has occurred. A vacancy~~
8 ~~may be caused by the declination, death, disqualification, resignation, or~~
9 ~~withdrawal of the person previously designated or of the person~~
10 ~~nominated at the primary election or by declination, death,~~
11 ~~disqualification, or withdrawal of an elective officer after a primary~~
12 ~~election at which a nomination could have been made for the office had~~
13 ~~the vacancy then existed. No person is eligible for appointment to fill a~~
14 ~~vacancy in the party designation or nomination unless the person meets~~
15 ~~all of the requirements of candidacy as of the date of the primary election.~~

16 ~~(2.3)(a) A vacancy in a party nomination, other than a vacancy for~~
17 ~~a party nomination for lieutenant governor for a general election,~~
18 ~~occurring after January 1, 2001, that occurs after the day of the primary~~
19 ~~election or after nomination by assembly or convention under section~~
20 ~~1-4-702 and more than eighteen days before the general election may be~~
21 ~~filled by the respective party assembly vacancy committee of the district,~~
22 ~~county, or state, as appropriate, depending upon the office for which the~~
23 ~~vacancy in nomination has occurred in accordance with the provisions of~~
24 ~~subsection (9) of this section. A vacancy in a party nomination for~~
25 ~~lieutenant governor for a general election occurring after January 1, 2001,~~
26 ~~shall be filled by a replacement candidate for lieutenant governor~~
27 ~~nominated by the party's candidate for governor. A vacancy may be~~

1 ~~caused by the declination, death, disqualification, resignation, or~~
2 ~~withdrawal of the person nominated at the primary election or by the~~
3 ~~declination, death, disqualification, resignation, or withdrawal of an~~
4 ~~elective officer after a primary election at which a nomination could have~~
5 ~~been made for the office had the vacancy then existed. No person is~~
6 ~~eligible for appointment to fill a vacancy in the party nomination unless~~
7 ~~the person meets all of the requirements of candidacy as of the date of the~~
8 ~~primary election. When a vacancy is filled pursuant to this paragraph (a),~~
9 ~~the designated election official shall provide notice by publication of the~~
10 ~~replacement nomination in the same manner as the notice required by~~
11 ~~section 1-5-205.~~

12 ~~(a.5) When a vacancy in a party nomination is filled pursuant to~~
13 ~~paragraph (a) of this subsection (2.3) before the designated election~~
14 ~~official has certified the ballot in accordance with section 1-5-203 (3)(a),~~
15 ~~the designated election official shall certify the name of the replacement~~
16 ~~candidate for the ballot.~~

17 ~~(b) When a vacancy in a party nomination is filled pursuant to~~
18 ~~paragraph (a) of this subsection (2.3) after the designated election official~~
19 ~~has certified the ballot in accordance with section 1-5-203 (3)(a), the~~
20 ~~designated election official shall, to the extent reasonably practical under~~
21 ~~the circumstances:~~

22 ~~(I) Cause the name of the replacement candidate to appear on the~~
23 ~~official ballot; or~~

24 ~~(II) Cause to be printed and placed on the sample ballot delivered~~
25 ~~to the election judges and posted pursuant to section 1-5-413 a sticker of~~
26 ~~a different color than the sample ballot indicating the name of the~~
27 ~~replacement candidate.~~

1 ~~(c) Notwithstanding subparagraph (f) of paragraph (b) of this~~
2 ~~subsection (2.3), a designated election official shall not be required to~~
3 ~~print replacement ballots containing the name of a replacement candidate~~
4 ~~if the official ballots containing the name of the candidate who vacated~~
5 ~~the nomination have already been printed.~~

6 ~~(d) For purposes of this section, a vacancy is filled when the~~
7 ~~designated election official receives the certificate of nomination and the~~
8 ~~written acceptance of the replacement candidate pursuant to paragraph (a)~~
9 ~~of subsection (5) of this section.~~

10 ~~(e) If the name of a replacement candidate designated to fill a~~
11 ~~vacancy pursuant to this subsection (2.3) does not appear on the official~~
12 ~~ballot and ballots containing the name of the candidate who vacated the~~
13 ~~nomination are used in a general election, the votes cast for the candidate~~
14 ~~who vacated the nomination shall be counted as votes for the replacement~~
15 ~~candidate.~~

16 ~~(2.5) (a) Any vacancy in a party nomination occurring less than~~
17 ~~eighteen days before the general election that is caused by the declination,~~
18 ~~death, disqualification, or withdrawal of any person nominated at the~~
19 ~~primary election or by the declination, death, disqualification, or~~
20 ~~withdrawal of any elective officer after a primary election at which a~~
21 ~~nomination could have been made for the office had the vacancy then~~
22 ~~existed shall not be filled before the general election. In such case, the~~
23 ~~votes cast for the candidate whose declination, death, disqualification, or~~
24 ~~withdrawal caused the vacancy are to be counted and recorded, and, if the~~
25 ~~candidate receives a plurality of the votes cast, such vacancy shall be~~
26 ~~filled after the general election by the respective party vacancy committee~~
27 ~~of the district, county, or state, as appropriate, depending upon the office~~

1 for which the vacancy in nomination has occurred and in the manner
2 provided for in part 2 of article 12 of this title for filling vacancies in
3 office.

4 (b) Any vacancy in a party nomination for lieutenant governor for
5 a general election occurring after January 1, 2001, that occurs less than
6 eighteen days before the general election that is caused by the declination,
7 death, disqualification, or withdrawal of the nominated candidate shall
8 not be filled before the general election. In such case, the votes cast for
9 the candidate for governor who was a joint candidate with the candidate
10 whose declination, death, disqualification, or withdrawal caused the
11 vacancy shall be counted and recorded, and, if such candidate is elected,
12 he or she shall fill the vacancy after the general election by selecting a
13 lieutenant governor who is a member of the same political party. The
14 senate shall have no power to confirm or deny such appointment.

15 (3) Any vacancy in a party nomination occurring after the
16 convention or assembly at which the nomination was made and no later
17 than seventy days before the congressional vacancy election, caused by
18 the declination, death, disqualification, or withdrawal of any person
19 nominated at the convention, may be filled in the same manner required
20 for the original nomination. If the original nomination was made by a
21 party convention or assembly that had delegated to a committee the power
22 to fill vacancies, the committee may proceed to fill the same vacancy
23 when it occurs. No person is eligible for appointment to fill a vacancy in
24 the party nomination unless that person meets all of the requirements of
25 candidacy as of the date of the convention or assembly at which the
26 original nomination was made.

27 (4) Any vacancy in a nomination for an unaffiliated candidate

1 caused by the declination, death, or withdrawal of any person nominated
2 by petition or statement of intent occurring after the filing of the petition
3 for nomination or the submittal of a statement of intent under section
4 1-4-303 and no later than seventy days before the general or
5 congressional vacancy election may be filled by the person or persons
6 designated on the petition or statement of intent to fill vacancies.

7 (4.5) Any vacancy in a nomination for a minor political party
8 candidate occurring after the filing of the certificate of designation
9 pursuant to section 1-4-1304(3) and no later than seventy days before the
10 general or congressional vacancy election, which is caused by the
11 declination, death, or withdrawal of any person nominated by the minor
12 political party, may be filled by the person or persons designated in the
13 constitution or bylaws of the minor political party to fill vacancies.

14 (5) (a) The persons designated to fill any of the vacancies in
15 subsections (1) to (4.5) of this section shall file with the designated
16 election official with whom the original certificate or petition was filed
17 any certificate of designation or nomination to fill the vacancy and a
18 written acceptance signed by the person designated or nominated no later
19 than the close of business on the sixty-seventh day before the primary
20 election or the sixty-ninth day before the general election, depending on
21 when the vacancy occurred; except that, in the case of a vacancy filled
22 pursuant to subsection (2), (2.3)(a), or (7)(c) of this section, the filing
23 shall be done no later than the seventh day before the election affected by
24 the vacancy.

25 (b) (d) If the persons A PERSON designated to fill any of the
26 vacancies in subsections (1) to (4.5) of A VACANCY PURSUANT TO this
27 section decide DECIDES not to fill a vacancy, they HE OR SHE shall in like

1 manner file a certificate setting forth the occurrence of the vacancy,
2 stating ~~they do~~ THAT HE OR SHE DOES not intend to fill the vacancy.

3 ~~(6) When the secretary of state or the county clerk and recorder~~
4 ~~receives a certificate of nomination to fill a vacancy, that official, in~~
5 ~~certifying the list of designees or nominees, shall replace the name of the~~
6 ~~original candidate with that of the replacement candidate. In the event the~~
7 ~~secretary of state has already certified the list, the secretary of state shall~~
8 ~~forthwith certify to the county clerk and recorders of the affected counties~~
9 ~~the name of the new nominee, the office for which the nomination is~~
10 ~~made, and the name of the person for whom the nominee is substituted.~~
11 ~~The secretary of state and the county clerk and recorders shall not accept~~
12 ~~any certificates of nomination to fill vacancies after the sixty-seventh day~~
13 ~~before election day; except that, in the case of a vacancy filled pursuant~~
14 ~~to the provisions of subsection (2.3) of this section, the secretary of state~~
15 ~~and the county clerk and recorder shall not accept any certificates of~~
16 ~~nomination to fill vacancies after the seventh day before election day.~~

17 ~~(7) Except as otherwise provided in subsection (7.3) of this~~
18 ~~section, any vacancy in a statewide or county office, in the office of~~
19 ~~district attorney, or in the office of a state senator occurring during a term~~
20 ~~of office shall be filled at the next general election with nomination or~~
21 ~~designation by the political party as follows:~~

22 ~~(a) If the vacancy occurs prior to the political party assembly, the~~
23 ~~designated election official shall notify the chairperson of each major~~
24 ~~political party that the office will be on the ballot for the next primary~~
25 ~~election, and candidates for the office shall be designated as provided in~~
26 ~~section 1-4-601 or 1-4-603.~~

27 ~~(b) If the vacancy occurs after the political party assembly and no~~

1 later than sixty-eight days before the primary election, the designated
2 election official shall add the office to the notice of election and notify the
3 chairperson of each major political party that the office will be on the
4 ballot for the next primary election. Candidates for the office shall be
5 designated as provided in section 1-4-603 or by the respective party
6 central committee vacancy committee for the state, county, judicial
7 district, or state senate district.

8 (c) If the vacancy occurs during the sixty-seven days before the
9 primary election or after the primary election and no later than sixty-eight
10 days before the general election, the designated election official shall add
11 the office to the notice of election for the general election. Nominations
12 for the office shall be made by the respective party central committee
13 vacancy committee for the state, county, judicial district, or state senate
14 district or as provided in section 1-4-802 for the nomination of
15 unaffiliated candidates.

16 (7.3) Any vacancy in the office of lieutenant governor shall be
17 filled by the appointment by the governor of a lieutenant governor of the
18 same political party as the governor to fill the vacancy. The senate shall
19 have no power to confirm or deny such appointment.

20 (7.5) Any vacancy in a statewide or county office, in the office of
21 district attorney, or in the office of a state senator occurring during a term
22 of office shall be filled at the next general election with nomination or
23 designation by a minor political party pursuant to the constitution or
24 bylaws of the minor political party.

25 (8) Notwithstanding any provisions to the contrary, if a political
26 party has established a rule regarding the length of affiliation required for
27 a candidate for the office of United States senator or representative in

1 congress, and a vacancy in that office occurs, then the party rule applies.

2 (9) (a) No vacancy committee called to fill a vacancy pursuant to
3 the provisions of subsection (2.3) of this section may select a person to
4 fill a vacancy at a meeting held for that purpose unless a written notice
5 announcing the time and location of the vacancy committee meeting was
6 mailed to each of the committee members at least five days prior to such
7 meeting by the chairperson of the central committee which selected the
8 members. Mailing of the notice is effective when the notice is properly
9 addressed and deposited in the United States mail, with first-class postage
10 prepaid.

11 (b) The vacancy committee, by a majority vote of its members
12 present and voting at a meeting called for that purpose, shall select a
13 person who meets all of the requirements of candidacy as of the date of
14 the primary election and who is affiliated with the same political party or
15 minor political party, if any, shown in the statewide voter registration
16 system as the candidate whose declination, death, disqualification,
17 resignation, or withdrawal caused the vacancy. No meeting shall be held
18 until a quorum is present consisting of not less than one-half of the voting
19 membership of the vacancy committee. No member of the vacancy
20 committee may vote by proxy. The committee shall certify the selection
21 to the secretary of state within seven days from the date the vacancy
22 occurs. If the vacancy committee fails to certify a selection within seven
23 days, the state chair of the same political party or minor political party as
24 the candidate whose declination, death, disqualification, resignation, or
25 withdrawal caused the vacancy, within seven days, shall fill the vacancy
26 by appointing a person having the qualifications set forth in this
27 subsection (9). The name of the person selected or appointed by the state

1 ~~chair must be certified to the secretary of state. The vacancy is filled until~~
2 ~~the next general election after the vacancy occurs, when the vacancy is~~
3 ~~filled by election.~~

4 (4) WHEN A VACANCY OCCURS AND IS FILLED PURSUANT TO THIS
5 SECTION, THE DESIGNATED ELECTION OFFICIAL SHALL CERTIFY THE NAME
6 OF THE REPLACEMENT CANDIDATE TO THE BALLOT.

7 (5) NOTWITHSTANDING ANY PROVISIONS TO THE CONTRARY, IF A
8 POLITICAL PARTY HAS ESTABLISHED A RULE REGARDING THE LENGTH OF
9 AFFILIATION REQUIRED FOR A CANDIDATE, AND A VACANCY IN THAT
10 OFFICE OCCURS, THEN THE PARTY RULE APPLIES.

11 **1-4-1003. Vacancies in major party designation occurring**
12 **between the sixty-seventh day before a primary election and the**
13 **earliest day to mail primary election ballots.** (1) For the purposes of
14 this ~~part 10, no vacancy in designation or nomination for the office of~~
15 ~~governor or the office of lieutenant governor shall in any way affect the~~
16 ~~candidacy of the other joint candidate~~ SECTION, A VACANCY IS CAUSED BY
17 THE DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL OF THE
18 PERSON DESIGNATED BY THE ASSEMBLY AS A CANDIDATE FOR
19 NOMINATION.

20 (2) A VACANCY IN A PARTY NOMINATION OCCURRING BETWEEN
21 THE SIXTY-SEVENTH DAY BEFORE A PRIMARY ELECTION AND THE EARLIEST
22 DAY TO MAIL PRIMARY ELECTION BALLOTS PURSUANT TO SECTION
23 1-7.5-107 MAY BE FILLED BY THE RESPECTIVE PARTY ASSEMBLY VACANCY
24 COMMITTEE OF THE APPROPRIATE DISTRICT, COUNTY, OR STATE. THE
25 PARTY ASSEMBLY VACANCY COMMITTEE MUST BE APPOINTED BY THE
26 PARTY IN ACCORDANCE WITH PARTY RULES.

27 (3) (a) NO VACANCY COMMITTEE CALLED TO FILL A VACANCY

1 PURSUANT TO THIS SECTION MAY SELECT A PERSON TO FILL A VACANCY AT
2 A MEETING HELD FOR THAT PURPOSE UNLESS A WRITTEN NOTICE
3 ANNOUNCING THE TIME AND LOCATION OF THE VACANCY COMMITTEE
4 MEETING WAS MAILED TO EACH OF THE COMMITTEE MEMBERS WITHIN FIVE
5 CALENDAR DAYS OF THE CHAIRPERSON OF THE CENTRAL COMMITTEE
6 LEARNING OF THE VACANCY. MAILING OF THE NOTICE IS EFFECTIVE WHEN
7 THE NOTICE IS PROPERLY ADDRESSED AND DEPOSITED IN THE UNITED
8 STATES MAIL, WITH FIRST-CLASS POSTAGE PREPAID. IN ADDITION TO THIS
9 MAILING, THE CHAIRPERSON OF THE CENTRAL COMMITTEE MAY ALSO
10 CONTACT THE COMMITTEE MEMBERS BY ELECTRONIC MAIL.

11 (b) (I) NO VACANCY COMMITTEE MEETING SHALL BE HELD UNTIL
12 A QUORUM IS PRESENT CONSISTING OF NOT LESS THAN ONE-HALF OF THE
13 VOTING MEMBERSHIP OF THE VACANCY COMMITTEE.

14 (II) THE VACANCY COMMITTEE, BY A MAJORITY VOTE OF ITS
15 MEMBERS PRESENT AND VOTING AT A MEETING CALLED FOR THAT
16 PURPOSE, SHALL SELECT A PERSON WHO MEETS ALL OF THE REQUIREMENTS
17 OF CANDIDACY AS OF THE DATE OF THE PRIMARY ELECTION AND WHO IS
18 AFFILIATED WITH THE SAME POLITICAL PARTY OR MINOR POLITICAL PARTY,
19 IF ANY, SHOWN IN THE STATEWIDE VOTER REGISTRATION DATABASE AS
20 THE CANDIDATE WHOSE DECLINATION, DEATH, DISQUALIFICATION, OR
21 WITHDRAWAL CAUSED THE VACANCY.

22 (III) NO MEMBER OF THE VACANCY COMMITTEE MAY VOTE BY
23 PROXY.

24 (IV) IF THE VACANCY COMMITTEE FAILS TO TIMELY CERTIFY A
25 SELECTION, THE STATE CHAIR OF THE PARTY OF THE CANDIDATE WHOSE
26 DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL CAUSED THE
27 VACANCY, WITHIN SEVEN DAYS, SHALL FILL THE VACANCY BY APPOINTING

1 A PERSON WHO MEETS ALL OF THE REQUIREMENTS OF CANDIDACY AS OF
2 THE DATE OF THE APPOINTMENT AND WHO IS AFFILIATED WITH THE SAME
3 POLITICAL PARTY SHOWN IN THE STATEWIDE VOTER REGISTRATION
4 SYSTEM AS THE CANDIDATE WHOSE DECLINATION, DEATH,
5 DISQUALIFICATION, OR WITHDRAWAL CAUSED THE VACANCY. THE NAME
6 OF THE PERSON APPOINTED BY THE STATE CHAIR MUST BE CERTIFIED TO
7 THE SECRETARY OF STATE.

8 (c) (I) THE DESIGNATION AND ACCEPTANCE OF THE PERSON
9 SELECTED TO FILL THE VACANCY MUST BE SUBMITTED TO THE DESIGNATED
10 ELECTION OFFICIAL NO LATER THAN THREE DAYS FROM EITHER THE DATE
11 OF THE VACANCY COMMITTEE MEETING OR FROM THE DATE OF
12 APPOINTMENT BY THE STATE CHAIR PURSUANT TO SUBSECTION (3)(b)(IV)
13 OF THIS SECTION, AS APPLICABLE.

14 (II) FOR PURPOSES OF THIS SECTION, A VACANCY IS FILLED WHEN
15 THE DESIGNATED ELECTION OFFICIAL RECEIVES THE CERTIFICATE OF
16 NOMINATION AND THE WRITTEN ACCEPTANCE OF THE REPLACEMENT
17 CANDIDATE.

18 (d) NO PERSON IS ELIGIBLE FOR APPOINTMENT TO FILL A VACANCY
19 IN A PARTY DESIGNATION UNLESS THAT PERSON MEETS ALL REQUIREMENTS
20 OF CANDIDACY AS OF THE DATE THAT THE VACANCY APPOINTMENT IS
21 MADE.

22 (e) IF A PERSON DESIGNATED TO FILL A VACANCY PURSUANT TO
23 THIS SECTION DECIDES NOT TO FILL A VACANCY, HE OR SHE SHALL IN LIKE
24 MANNER FILE A CERTIFICATE SETTING FORTH THE OCCURRENCE OF THE
25 VACANCY, STATING THAT HE OR SHE DOES NOT INTEND TO FILL THE
26 VACANCY.

27 (4) (a) WHEN A VACANCY IN A PARTY DESIGNATION IS FILLED

1 PURSUANT TO THIS SECTION PRIOR TO THE BALLOTS BEING PRINTED, THE
2 DESIGNATED ELECTION OFFICIAL SHALL CAUSE THE NAME OF THE
3 REPLACEMENT CANDIDATE TO BE PRINTED ON THE BALLOT.

4 (b) WHEN A VACANCY IN A PARTY DESIGNATION IS FILLED
5 PURSUANT TO THIS SECTION AFTER THE BALLOTS ARE PRINTED:

6 (I) THE DESIGNATED ELECTION OFFICIAL SHALL:

7 (A) PROMINENTLY POST, ON THE DESIGNATED ELECTION OFFICIAL'S
8 OFFICIAL WEBSITE AND IN EACH VOTER SERVICE AND POLLING CENTER, A
9 NOTICE REGARDING THE VACANCY AND THE NAME OF THE REPLACEMENT
10 CANDIDATE; AND

11 (B) CAUSE TO BE PRINTED AND PLACED ON THE SAMPLE BALLOT
12 DELIVERED TO THE ELECTION JUDGES AND POSTED PURSUANT TO SECTION
13 1-5-413 A STICKER OF A DIFFERENT COLOR THAN THE SAMPLE BALLOT
14 INDICATING THE NAME OF THE REPLACEMENT CANDIDATE; AND

15 (II) VOTES CAST FOR THE CANDIDATE WHO VACATED THE
16 DESIGNATION MUST BE COUNTED AS VOTES FOR THE REPLACEMENT
17 CANDIDATE.

18 (5) NOTWITHSTANDING ANY PROVISIONS TO THE CONTRARY, IF A
19 POLITICAL PARTY HAS ESTABLISHED A RULE REGARDING THE LENGTH OF
20 AFFILIATION REQUIRED FOR A CANDIDATE, AND A VACANCY IN THAT
21 OFFICE OCCURS, THEN THE PARTY RULE APPLIES.

22 **1-4-1004. Vacancies in major party designation occurring from**
23 **the day after the earliest day to mail primary election ballots through**
24 **primary election day. (1) FOR THE PURPOSES OF THIS SECTION, A**
25 **VACANCY IS CAUSED BY THE DECLINATION, DEATH, DISQUALIFICATION, OR**
26 **WITHDRAWAL OF THE PERSON DESIGNATED BY THE ASSEMBLY AS A**
27 **CANDIDATE FOR NOMINATION.**

1 (2) A VACANCY IN A PARTY DESIGNATION OCCURRING FROM THE
2 DAY AFTER THE EARLIEST DAY TO MAIL PRIMARY ELECTION BALLOTS
3 PURSUANT TO SECTION 1-7.5-107 THROUGH THE DAY OF THE PRIMARY
4 ELECTION MAY BE FILLED BY THE RESPECTIVE PARTY ASSEMBLY VACANCY
5 COMMITTEE OF THE DISTRICT, COUNTY, OR STATE, DEPENDING UPON THE
6 OFFICE FOR WHICH THE VACANCY IN NOMINATION HAS OCCURRED. THE
7 PARTY ASSEMBLY VACANCY COMMITTEE MUST BE APPOINTED BY THE
8 PARTY IN ACCORDANCE WITH PARTY RULES.

9 (3) (a) NO VACANCY COMMITTEE CALLED TO FILL A VACANCY
10 PURSUANT TO THIS SECTION MAY SELECT A PERSON TO FILL A VACANCY AT
11 A MEETING HELD FOR THAT PURPOSE UNLESS A WRITTEN NOTICE
12 ANNOUNCING THE TIME AND LOCATION OF THE VACANCY COMMITTEE
13 MEETING WAS MAILED TO EACH OF THE COMMITTEE MEMBERS WITHIN FIVE
14 CALENDAR DAYS OF THE CHAIRPERSON OF THE CENTRAL COMMITTEE
15 LEARNING OF THE VACANCY. MAILING OF THE NOTICE IS EFFECTIVE WHEN
16 THE NOTICE IS PROPERLY ADDRESSED AND DEPOSITED IN THE UNITED
17 STATES MAIL, WITH FIRST-CLASS POSTAGE PREPAID. IN ADDITION TO THE
18 MAILING, THE CHAIRPERSON OF THE CENTRAL COMMITTEE MAY ALSO
19 CONTACT COMMITTEE MEMBERS BY ELECTRONIC MAIL.

20 (b) (I) NO VACANCY COMMITTEE MEETING SHALL BE HELD UNTIL
21 A QUORUM IS PRESENT CONSISTING OF NOT LESS THAN ONE-HALF OF THE
22 VOTING MEMBERSHIP OF THE VACANCY COMMITTEE.

23 (II) THE VACANCY COMMITTEE, BY A MAJORITY VOTE OF ITS
24 MEMBERS PRESENT AND VOTING AT A MEETING CALLED FOR THAT
25 PURPOSE, SHALL SELECT A PERSON WHO MEETS ALL OF THE REQUIREMENTS
26 OF CANDIDACY AS OF THE DATE OF THE PRIMARY ELECTION AND WHO IS
27 AFFILIATED WITH THE SAME POLITICAL PARTY OR MINOR POLITICAL PARTY,

1 IF ANY, SHOWN IN THE STATEWIDE VOTER REGISTRATION DATABASE AS
2 THE CANDIDATE WHOSE DECLINATION, DEATH, DISQUALIFICATION, OR
3 WITHDRAWAL CAUSED THE VACANCY.

4 (III) NO MEMBER OF THE VACANCY COMMITTEE MAY VOTE BY
5 PROXY.

6 (IV) IF THE VACANCY COMMITTEE FAILS TO TIMELY CERTIFY A
7 SELECTION, THE STATE CHAIR OF THE PARTY OF THE CANDIDATE WHOSE
8 DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL CAUSED THE
9 VACANCY, WITHIN SEVEN DAYS, SHALL FILL THE VACANCY BY APPOINTING
10 A PERSON WHO MEETS ALL OF THE REQUIREMENTS OF CANDIDACY AS OF
11 THE DATE OF THE APPOINTMENT AND WHO IS AFFILIATED WITH THE SAME
12 POLITICAL PARTY SHOWN IN THE STATEWIDE VOTER REGISTRATION
13 SYSTEM AS THE CANDIDATE WHOSE DECLINATION, DEATH,
14 DISQUALIFICATION, OR WITHDRAWAL CAUSED THE VACANCY. THE NAME
15 OF THE PERSON APPOINTED BY THE STATE CHAIR MUST BE CERTIFIED TO
16 THE SECRETARY OF STATE.

17 (c) (I) THE DESIGNATION AND ACCEPTANCE OF THE PERSON
18 SELECTED TO FILL THE VACANCY MUST BE SUBMITTED TO THE DESIGNATED
19 ELECTION OFFICIAL NO LATER THAN THREE DAYS FROM EITHER THE DATE
20 OF THE VACANCY COMMITTEE MEETING OR FROM THE DATE OF
21 APPOINTMENT BY THE STATE CHAIR PURSUANT TO SUBSECTION (3)(b)(IV)
22 OF THIS SECTION, AS APPLICABLE.

23 (II) FOR PURPOSES OF THIS SECTION, A VACANCY IS FILLED WHEN
24 THE DESIGNATED ELECTION OFFICIAL RECEIVES THE CERTIFICATE OF
25 NOMINATION AND THE WRITTEN ACCEPTANCE OF THE REPLACEMENT
26 CANDIDATE.

27 (d) NO PERSON IS ELIGIBLE FOR APPOINTMENT TO FILL A VACANCY

1 IN A PARTY DESIGNATION UNLESS THAT PERSON MEETS ALL REQUIREMENTS
2 OF CANDIDACY AS OF THE DATE THAT THE VACANCY APPOINTMENT IS
3 MADE.

4 (e) IF A PERSON DESIGNATED TO FILL A VACANCY PURSUANT TO
5 THIS SECTION DECIDES NOT TO FILL A VACANCY, HE OR SHE SHALL IN LIKE
6 MANNER FILE A CERTIFICATE SETTING FORTH THE OCCURRENCE OF THE
7 VACANCY, STATING THEY DO NOT INTEND TO FILL THE VACANCY.

8 (4) WHEN A VACANCY IN A PARTY NOMINATION IS FILLED
9 PURSUANT TO THIS SECTION:

10 (a) THE DESIGNATED ELECTION OFFICIAL SHALL:

11 (I) PROMINENTLY POST, ON THE DESIGNATED ELECTION OFFICIAL'S
12 OFFICIAL WEBSITE AND IN EACH VOTER SERVICE AND POLLING CENTER, A
13 NOTICE REGARDING THE VACANCY AND THE NAME OF THE REPLACEMENT
14 CANDIDATE; AND

15 (II) CAUSE TO BE PRINTED AND PLACED ON THE SAMPLE BALLOT
16 DELIVERED TO THE ELECTION JUDGES AND POSTED PURSUANT TO SECTION
17 1-5-413 A STICKER OF A DIFFERENT COLOR THAN THE SAMPLE BALLOT
18 INDICATING THE NAME OF THE REPLACEMENT CANDIDATE; AND

19 (b) VOTES CAST FOR THE CANDIDATE WHO VACATED THE
20 DESIGNATION MUST BE COUNTED AS VOTES FOR THE REPLACEMENT
21 CANDIDATE.

22 (5) NOTWITHSTANDING ANY PROVISIONS TO THE CONTRARY, IF A
23 POLITICAL PARTY HAS ESTABLISHED A RULE REGARDING THE LENGTH OF
24 AFFILIATION REQUIRED FOR A CANDIDATE, AND A VACANCY IN THAT
25 OFFICE OCCURS, THEN THE PARTY RULE APPLIES.

26 **1-4-1005. Vacancies in major party nomination occurring**
27 **from the day after primary election day through the earliest day to**

1 **mail general election ballots.** (1) FOR THE PURPOSES OF THIS SECTION,
2 A VACANCY IS CAUSED BY THE DECLINATION, DEATH, DISQUALIFICATION,
3 OR WITHDRAWAL OF THE PERSON NOMINATED AT THE PRIMARY ELECTION.

4 (2) A VACANCY IN A PARTY NOMINATION OCCURRING FROM THE
5 DAY AFTER THE PRIMARY ELECTION THROUGH THE EARLIEST DAY TO MAIL
6 GENERAL ELECTION BALLOTS MAY BE FILLED BY THE RESPECTIVE PARTY
7 ASSEMBLY VACANCY COMMITTEE OF THE DISTRICT, COUNTY, OR STATE,
8 DEPENDING UPON THE OFFICE FOR WHICH THE VACANCY IN NOMINATION
9 HAS OCCURRED. THE PARTY ASSEMBLY VACANCY COMMITTEE MUST BE
10 APPOINTED BY THE PARTY IN ACCORDANCE WITH PARTY RULES.

11 (3) (a) NO VACANCY COMMITTEE CALLED TO FILL A VACANCY
12 PURSUANT TO THIS SECTION MAY SELECT A PERSON TO FILL A VACANCY AT
13 A MEETING HELD FOR THAT PURPOSE UNLESS A WRITTEN NOTICE
14 ANNOUNCING THE TIME AND LOCATION OF THE VACANCY COMMITTEE
15 MEETING WAS MAILED TO EACH OF THE COMMITTEE MEMBERS WITHIN FIVE
16 CALENDAR DAYS OF THE CHAIRPERSON OF THE CENTRAL COMMITTEE
17 LEARNING OF THE VACANCY. MAILING OF THE NOTICE IS EFFECTIVE WHEN
18 THE NOTICE IS PROPERLY ADDRESSED AND DEPOSITED IN THE UNITED
19 STATES MAIL, WITH FIRST-CLASS POSTAGE PREPAID. IN ADDITION TO THE
20 MAILING, THE CHAIRPERSON OF THE CENTRAL COMMITTEE MAY ALSO
21 CONTACT COMMITTEE MEMBERS BY ELECTRONIC MAIL.

22 (b) (I) NO VACANCY COMMITTEE MEETING SHALL BE HELD UNTIL
23 A QUORUM IS PRESENT CONSISTING OF NOT LESS THAN ONE-HALF OF THE
24 VOTING MEMBERSHIP OF THE VACANCY COMMITTEE.

25 (II) THE VACANCY COMMITTEE, BY A MAJORITY VOTE OF ITS
26 MEMBERS PRESENT AND VOTING AT A MEETING CALLED FOR THAT
27 PURPOSE, SHALL SELECT A PERSON WHO MEETS ALL OF THE REQUIREMENTS

1 OF CANDIDACY AS OF THE DATE OF THE PRIMARY ELECTION AND WHO IS
2 AFFILIATED WITH THE SAME POLITICAL PARTY OR MINOR POLITICAL PARTY,
3 IF ANY, SHOWN IN THE STATEWIDE VOTER REGISTRATION DATABASE AS
4 THE CANDIDATE WHOSE DECLINATION, DEATH, DISQUALIFICATION, OR
5 WITHDRAWAL CAUSED THE VACANCY.

6 (III) NO MEMBER OF THE VACANCY COMMITTEE MAY VOTE BY
7 PROXY.

8 (IV) IF THE VACANCY COMMITTEE FAILS TO TIMELY CERTIFY A
9 SELECTION, THE STATE CHAIR OF THE PARTY OF THE CANDIDATE WHOSE
10 DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL CAUSED THE
11 VACANCY, WITHIN SEVEN DAYS, SHALL FILL THE VACANCY BY
12 APPOINTING A PERSON WHO MEETS ALL OF THE REQUIREMENTS OF
13 CANDIDACY AS OF THE DATE OF THE APPOINTMENT AND WHO IS
14 AFFILIATED WITH THE SAME POLITICAL PARTY SHOWN IN THE STATEWIDE
15 VOTER REGISTRATION SYSTEM AS THE CANDIDATE WHOSE DECLINATION,
16 DEATH, DISQUALIFICATION, OR WITHDRAWAL CAUSED THE VACANCY. THE
17 NAME OF THE PERSON APPOINTED BY THE STATE CHAIR MUST BE
18 CERTIFIED TO THE SECRETARY OF STATE. THE VACANCY IS FILLED UNTIL
19 THE NEXT GENERAL ELECTION AFTER THE VACANCY OCCURS, WHEN THE
20 VACANCY IS FILLED BY ELECTION.

21 (c) (I) THE DESIGNATION AND ACCEPTANCE OF THE PERSON
22 SELECTED TO FILL THE VACANCY MUST BE SUBMITTED TO THE DESIGNATED
23 ELECTION OFFICIAL NO LATER THAN THREE DAYS FROM EITHER THE DATE
24 OF THE VACANCY COMMITTEE MEETING OR FROM THE DATE OF
25 APPOINTMENT BY THE STATE CHAIR PURSUANT TO SUBSECTION (3)(b)(IV)
26 OF THIS SECTION, AS APPLICABLE; EXCEPT THAT SUCH CERTIFICATION
27 MUST IN ALL CASES BE SUBMITTED NO LATER THAN THE SIXTY-FOURTH

1 DAY BEFORE THE DATE OF THE PRIMARY ELECTION.

2 (II) FOR PURPOSES OF THIS SECTION, A VACANCY IS FILLED WHEN
3 THE DESIGNATED ELECTION OFFICIAL RECEIVES THE CERTIFICATE OF
4 NOMINATION AND THE WRITTEN ACCEPTANCE OF THE REPLACEMENT
5 CANDIDATE.

6 (d) NO PERSON IS ELIGIBLE FOR APPOINTMENT TO FILL A VACANCY
7 IN A PARTY DESIGNATION UNLESS THAT PERSON MEETS ALL REQUIREMENTS
8 OF CANDIDACY AS OF THE DATE THAT THE VACANCY APPOINTMENT IS
9 MADE.

10 (e) IF A PERSON DESIGNATED TO FILL A VACANCY PURSUANT TO
11 THIS SECTION DECIDES NOT TO FILL A VACANCY, HE OR SHE SHALL IN LIKE
12 MANNER FILE A CERTIFICATE SETTING FORTH THE OCCURRENCE OF THE
13 VACANCY, STATING THEY DO NOT INTEND TO FILL THE VACANCY.

14 (4) (a) WHEN A VACANCY IN A PARTY NOMINATION IS FILLED
15 PURSUANT TO THIS SECTION PRIOR TO THE BALLOTS BEING PRINTED, THE
16 DESIGNATED ELECTION OFFICIAL SHALL CAUSE THE NAME OF THE
17 REPLACEMENT CANDIDATE TO BE PRINTED ON THE BALLOT.

18 (b) WHEN A VACANCY IN A PARTY NOMINATION IS FILLED
19 PURSUANT TO THIS SECTION SUBSEQUENT TO THE BALLOTS BEING PRINTED:

20 (I) THE DESIGNATED ELECTION OFFICIAL SHALL:

21 (A) PROMINENTLY POST, ON THE DESIGNATED ELECTION OFFICIAL'S
22 OFFICIAL WEBSITE AND IN EACH VOTER SERVICE AND POLLING CENTER, A
23 NOTICE REGARDING THE VACANCY AND THE NAME OF THE REPLACEMENT
24 CANDIDATE; AND

25 (B) CAUSE TO BE PRINTED AND PLACED ON THE SAMPLE BALLOT
26 DELIVERED TO THE ELECTION JUDGES AND POSTED PURSUANT TO SECTION
27 1-5-413 A STICKER OF A DIFFERENT COLOR THAN THE SAMPLE BALLOT

1 INDICATING THE NAME OF THE REPLACEMENT CANDIDATE; AND

2 (II) VOTES CAST FOR THE CANDIDATE WHO VACATED THE
3 NOMINATION MUST BE COUNTED AS VOTES FOR THE REPLACEMENT
4 CANDIDATE.

5 (5) NOTWITHSTANDING ANY PROVISIONS TO THE CONTRARY, IF A
6 POLITICAL PARTY HAS ESTABLISHED A RULE REGARDING THE LENGTH OF
7 AFFILIATION REQUIRED FOR A CANDIDATE AND A VACANCY IN THAT OFFICE
8 OCCURS, THEN THE PARTY RULE APPLIES.

9 **1-4-1006. Vacancies in major party nomination occurring from**
10 **the day after the earliest day to mail general election ballots through**
11 **general election day.** (1) FOR THE PURPOSES OF THIS SECTION, A
12 VACANCY IS CAUSED BY THE DECLINATION, DEATH, DISQUALIFICATION, OR
13 WITHDRAWAL OF THE PERSON NOMINATED AT THE PRIMARY ELECTION.

14 (2) A VACANCY OCCURRING FROM THE DAY AFTER THE EARLIEST
15 DAY TO MAIL GENERAL ELECTION BALLOTS THROUGH GENERAL ELECTION
16 DAY MUST BE FILLED IN ACCORDANCE WITH PART 2 OF ARTICLE 12 OF THIS
17 CODE.

18 **1-4-1007. [Formerly 1-4-1002 (4.5)] Vacancies in minor party**
19 **designation or affiliation.** Any vacancy in a nomination for a minor
20 political party candidate occurring after the filing of the certificate of
21 designation pursuant to section 1-4-1304 (3) and no later than seventy
22 days before the general or congressional vacancy election, which is
23 caused by the declination, death, DISQUALIFICATION, or withdrawal of any
24 person nominated by the minor political party, may be filled by the person
25 or persons designated in the constitution or bylaws of the minor political
26 party to fill vacancies.

27 **1-4-1008. [Formerly 1-4-1002 (4)] Vacancies in unaffiliated**

1 **designation or nomination.** Any vacancy in a nomination for an
2 unaffiliated candidate caused by the declination, death,
3 DISQUALIFICATION, or withdrawal of any person nominated by petition or
4 statement of intent occurring after the filing of the petition for nomination
5 or the submittal of a statement of intent under section 1-4-303 and no
6 later than seventy days before the general or congressional vacancy
7 election may be filled by the person or persons designated on the petition
8 or statement of intent to fill vacancies.

9 **1-4-1009. Vacancies in office occurring from the sixty-eighth**
10 **day prior to primary election day through the earliest day to mail**
11 **general election ballots.** (1) [Formerly 1-4-1002 (7)] Except as
12 otherwise provided in ~~subsection (7.3)~~ SUBSECTION (2) of this section OR
13 SECTION 1-4-1010 (2), any vacancy in a statewide or county office, in the
14 office of district attorney, or in the office of a state senator occurring
15 during a term of office AND FALLING WITHIN THE TIME PERIODS GOVERNED
16 BY SECTION 1-4-1002, 1-4-1003, 1-4-1004, OR 1-4-1005 shall be filled at
17 the next general election with nomination or designation by the political
18 party as follows:

19 (a) (I) If the vacancy occurs ~~prior to~~ BEFORE the political party
20 assembly, the designated election official shall notify the chairperson of
21 each major political party that the office will be on the ballot for the next
22 primary election, and candidates for the office shall be designated as
23 provided in section 1-4-601 or 1-4-603.

24 (II) NO PERSON IS ELIGIBLE FOR APPOINTMENT TO FILL A VACANCY
25 IN A PARTY DESIGNATION UNLESS THAT PERSON MEETS ALL REQUIREMENTS
26 OF CANDIDACY AS OF THE DATE THAT THE VACANCY APPOINTMENT IS
27 MADE.

1 (b) (I) If the vacancy occurs after the political party assembly and
2 no later than sixty-eight days before the primary election, the designated
3 election official shall add the office to the notice of election and notify the
4 chairperson of each major political party that the office will be on the
5 ballot for the next primary election. Candidates for the office shall be
6 designated as provided in section 1-4-603 or by the respective party
7 central committee vacancy committee for the state, county, judicial
8 district, or state senate district.

9 (II) NO PERSON IS ELIGIBLE FOR APPOINTMENT TO FILL A VACANCY
10 IN A PARTY DESIGNATION UNLESS THAT PERSON MEETS ALL REQUIREMENTS
11 OF CANDIDACY AS OF THE DATE THAT THE VACANCY APPOINTMENT IS
12 MADE.

13 (c) If the vacancy occurs during the sixty-seven days before the
14 primary election, or after the primary election and no later than sixty-eight
15 days before the general election, the designated election official shall add
16 the office to the notice of election for the general election AND NOTIFY
17 THE CHAIRPERSON OF EACH MAJOR POLITICAL PARTY THAT THE OFFICE
18 WILL BE ON THE BALLOT FOR THE NEXT GENERAL ELECTION. Nominations
19 for the office shall be made by the respective party central committee
20 vacancy committee for the state, county, judicial district, or state senate
21 district or as provided in section 1-4-802 for the nomination of
22 unaffiliated candidates.

23 (d) IF THE VACANCY OCCURS SIXTY-EIGHT DAYS OR FEWER BEFORE
24 A GENERAL ELECTION, THAT OFFICE MUST BE FILLED AT THE NEXT
25 GENERAL ELECTION.

26 (2) [**Formerly 1-4-1002 (7.5)**] Any vacancy in a statewide or
27 county office, in the office of district attorney, or in the office of a state

1 senator occurring during a term of office shall be filled at the next general
2 election with nomination or designation by a minor political party
3 pursuant to the constitution or bylaws of the minor political party.

4 **1-4-1010. Vacancies of joint gubernatorial candidates -**
5 **process for filling vacancy in office of lieutenant governor.**

6 (1) [Formerly 1-4-1003] For the purposes of this part 10, no vacancy in
7 designation or nomination for the office of governor or the office of
8 lieutenant governor shall in any way affect AFFECTS the candidacy of the
9 other joint candidate.

10 (2) [Formerly 1-4-1002 (7.3)] Any vacancy in the office of
11 lieutenant governor shall MUST be filled by the appointment by the
12 governor of a lieutenant governor of the same political party as the
13 governor to fill the vacancy. The senate shall have HAS no power to
14 confirm or deny such appointment.

15 **SECTION 5.** In Colorado Revised Statutes, **amend** 1-4-404 as
16 follows:

17 **1-4-404. Nomination and acceptance of candidate.** Any person
18 nominated in accordance with this ~~article~~ ARTICLE 4 shall file a written
19 acceptance with the secretary of state by mail or hand delivery. The
20 written acceptance must be postmarked or received by the secretary of
21 state within four business days after the adjournment of the assembly. If
22 an acceptance is not filed within the specified time, the candidate shall be
23 IS deemed to have declined the nomination, and the nomination shall
24 MUST be treated as a vacancy to be filled as provided in ~~section 1-4-1002~~
25 ~~(3) and (5)~~ PART 10 OF THIS ARTICLE 4.

26 **SECTION 6.** In Colorado Revised Statutes, 1-4-502, **amend** (3)
27 introductory portion and (3)(c) as follows:

1 **1-4-502. Methods of nomination for partisan candidates.**

2 (3) For general elections: ~~occurring after January 1, 2001:~~

3 (c) Any person nominated as the candidate for lieutenant governor
4 of a major political party pursuant to ~~paragraph (a) of this subsection (3)~~
5 SUBSECTION (3)(a) OF THIS SECTION shall file a written acceptance with
6 the secretary of state by mail or hand delivery. The written acceptance
7 must be postmarked or received by the secretary of state within thirty days
8 after the primary election. If an acceptance is not filed within the required
9 time, the candidate ~~shall be~~ IS deemed to have declined the nomination,
10 and the nomination ~~shall~~ MUST be treated as a vacancy to be filled as
11 provided in ~~section 1-4-1002 (2.3)(a)~~ PART 10 OF THIS ARTICLE 4.

12 **SECTION 7.** In Colorado Revised Statutes, 1-4-802, **amend**
13 (1)(e) as follows:

14 **1-4-802. Petitions for nominating minor political party and**
15 **unaffiliated candidates for a partisan office.** (1) Candidates for
16 partisan public offices to be filled at a general or congressional vacancy
17 election who do not wish to affiliate with a major political party may be
18 nominated, other than by a primary election or a convention, in the
19 following manner:

20 (e) The petition to nominate an unaffiliated candidate may
21 designate or appoint upon its face one or more unaffiliated registered
22 electors as a committee to fill vacancies in accordance with ~~section~~
23 ~~1-4-1002 (4) and (5)~~ SECTION 1-4-1008. However, in the case of a petition
24 for the office of state senator or state representative, the petition shall
25 designate or appoint upon its face three or more unaffiliated registered
26 electors as a committee to fill vacancies in accordance with ~~section~~
27 ~~1-4-1002 (4) and (5) and section 1-12-203~~ SECTIONS 1-4-1008 AND

1 1-12-203.

2 **SECTION 8.** In Colorado Revised Statutes, 1-5-412, **amend** (3)
3 as follows:

4 **1-5-412. Correction of errors.** (3) If, before the date set for
5 election, a duly nominated candidate withdraws by filing an affidavit of
6 withdrawal with the designated election official, or dies and the fact of
7 the death becomes known to the designated election official before the
8 ballots are printed, OR IS DEEMED DISQUALIFIED, the name of the
9 candidate shall not be printed on the ballots. Except in the case of a
10 vacancy to be filled in accordance with the provisions of section ~~1-4-1002~~
11 ~~(2.3) or (2.5)~~ SECTION 1-4-1005 OR 1-4-1006, if the ballots are already
12 printed, the votes cast for the withdrawn, ~~or~~ deceased, OR DISQUALIFIED
13 candidate are invalid and shall not be counted.

14 **SECTION 9.** In Colorado Revised Statutes, 1-12-203, **amend**
15 (3)(a) as follows:

16 **1-12-203. Vacancies in general assembly.** (3) (a) The vacancy
17 committee, by a majority vote of its members present and voting at a
18 meeting called for that purpose and open to the public, shall select a
19 person who possesses the constitutional qualifications for a member of
20 the general assembly and who is affiliated with the same political party
21 or minor political party, if any, shown in the statewide voter registration
22 system as the former member whose seat is vacant. No VACANCY
23 COMMITTEE meeting shall be held until a quorum is present consisting of
24 not less than one-half of the voting membership of the vacancy
25 committee. No member of the vacancy committee may vote by proxy. The
26 committee shall certify the selection to the secretary of state within thirty
27 days from the date the vacancy occurs; except that, in the case of a

1 vacancy filled pursuant to ~~section 1-4-1002 (2.5)~~ SECTION 1-4-1006, the
2 committee shall certify the selection within thirty days after the date of
3 the general election affected by the vacancy. If the vacancy committee
4 fails to certify a selection within thirty days in accordance with ~~the~~
5 ~~provisions of~~ this subsection (3), the governor, within five days, shall fill
6 the vacancy by appointing a person having the qualifications set forth in
7 this subsection (3). The name of the person selected or appointed must be
8 certified to the secretary of state.

9 **SECTION 10.** In Colorado Revised Statutes, 30-10-501.5,
10 **amend** (1) introductory portion and (1)(c) as follows:

11 **30-10-501.5. Qualifications.** (1) No person ~~shall be~~ IS eligible for
12 nomination, election, or appointment to the office of sheriff unless ~~such~~
13 THE person:

14 (c) Has had a complete set of fingerprints taken by a qualified law
15 enforcement agency and HAS submitted a receipt evidencing ~~such~~ THE
16 fingerprinting at the time of filing his or her written acceptance pursuant
17 to ~~section~~ SECTION 1-4-601 (3), 1-4-906, or ~~1-4-1002 (5), C.R.S., PART 10~~
18 OF ARTICLE 4 OF TITLE 1, or a ~~candidate~~ AT THE TIME OF filing an affidavit
19 of intent pursuant to section 1-4-1101, ~~C.R.S. Such~~ AS APPLICABLE. THE
20 law enforcement agency shall forward the fingerprints to the Colorado
21 bureau of investigation. The bureau shall utilize ~~such~~ THE fingerprints, its
22 files and records, and those of the federal bureau of investigation for the
23 purpose of determining whether the person has ever been convicted of or
24 pleaded guilty or entered a plea of nolo contendere to any felony charge
25 under federal or state laws. The Colorado bureau of investigation shall
26 notify the county clerk and recorder of the county ~~wherein~~ FOR WHICH the
27 person is a candidate of the results of the fingerprint analysis. ~~In the event~~

1 ~~that~~ IF a conviction or plea is disclosed, ~~such~~ THE person ~~shall be deemed~~
2 IS unqualified for the office of sheriff, unless pardoned. The results of
3 ~~such~~ THE fingerprint analysis ~~shall be~~ ARE confidential; except that the
4 county clerk and recorder may divulge whether ~~such~~ THE person is
5 qualified or unqualified for the office of sheriff.

6 **SECTION 11.** In Colorado Revised Statutes, 30-10-601.5,
7 **amend** (2)(a) as follows:

8 **30-10-601.5. Qualifications - fingerprints.** (2) (a) A person who
9 is nominated by a political party or for whom a nominating petition is
10 filed for the office of coroner shall have a complete set of fingerprints
11 taken by a qualified law enforcement agency and submit proof of such
12 fingerprinting when filing a written acceptance pursuant to ~~section~~
13 SECTION 1-4-601 (3), 1-4-906, or ~~1-4-1002 (5), C.R.S.~~ PART 10 OF
14 ARTICLE 4 OF TITLE 1.

15 **SECTION 12. Act subject to petition - effective date -**
16 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
17 the expiration of the ninety-day period after final adjournment of the
18 general assembly (August 9, 2017, if adjournment sine die is on May 10,
19 2017); except that, if a referendum petition is filed pursuant to section 1
20 (3) of article V of the state constitution against this act or an item, section,
21 or part of this act within such period, then the act, item, section, or part
22 will not take effect unless approved by the people at the general election
23 to be held in November 2018 and, in such case, will take effect on the
24 date of the official declaration of the vote thereon by the governor.

25 (2) This act applies to elections conducted on or after the
26 applicable effective date of this act.